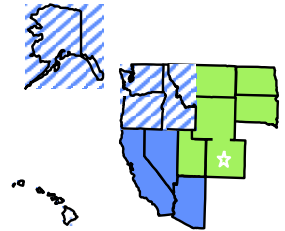




US Army Environmental Center Western Regional Environmental Office REGION 10 – FEBRUARY 2004 **WESTERN REGION REVIEW**



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting US Army activities & operations in the Federal Region 10 area: Alaska, Idaho, Oregon and Washington. We appreciate your feedback. Please contact the Western Regional Environmental Office, U.S. Custom House, 721 19th Street, Room 427, Denver, CO 80202-2500; phone (303) 844-0954, or fax (303) 844-0951.

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FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

AIR INFORMATION:

FINAL RULE – AMENDMENTS TO NEW STATIONARY SOURCE MONITORING REQUIREMENTS –

On 12 January 2004 (69 FR 1785), EPA promulgated Performance Specification 11: Specifications and Test Procedures for Particulate Matter Continuous Emission Monitoring Systems at Stationary Sources, and Procedure 2: Quality Assurance Requirements for Particulate Matter Continuous Monitoring Systems at Stationary Sources. The requirements will apply to sources that must use particulate matter continuous emission monitoring systems to monitor PM continuously. They will help to ensure that such systems are installed and operated properly, and produce good quality monitoring data on an ongoing basis. The amendments were effective 12 January 2004. For further information, contact Daniel Bivins, EPA at (919) 541-5244, or e-mail: bivins.dan@epa.gov.

FINAL RULE – CONTROL OF EMISSIONS FROM MOTORCYCLES – On 15 January 2004 (69 FR 2397), EPA adopted revised exhaust emission standards for currently regulated highway motorcycles. EPA also adopted new exhaust emissions standards for motorcycles of less than 50 cubic centimeters in displacement, which had not previously been subject to EPA regulations. In addition, EPA adopted new permeation evaporative emission standards for all classes of highway motorcycles. This final rule will be effective 15 March 2004. For further information, contact Carol Connell, EPA at (734) 214-4636, or e-mail: connell.carol@epa.gov.

FINAL RULE – REVISIONS TO MONITORING REQUIREMENTS FOR OPERATING PERMITS – On 22 January 2004 (69 FR 3201), EPA ratified certain current language of the state and federal operating permits program rules under Title V of the Clean Air Act concerning monitoring and announced a different interpretation of the "umbrella monitoring" rules. EPA has determined that the umbrella monitoring rules do not establish a separate regulatory standard or basis for review and enhancement of existing monitoring independent of any review and enhancement that may be required under separate provisions of the operating permits rules. This final rule will be effective 23 February 2004. For further information, contact Jeff Herring, EPA at (919) 541-3195, or e-mail: herring.jeff@epa.gov.

DIRECT FINAL RULE – AMENDMENTS TO SPARK-IGNITION NONROAD ENGINE REQUIREMENTS

On 12 January 2004 (69 FR 1823), EPA took direct final action to adopt amendments to its Phase 2 requirements for spark-ignition nonroad handheld engines at or below 19 kilowatts. The Phase 2 requirements were adopted in April 2000 and are being phased-in between 2002 and 2007. The Amendments are intended to provide additional compliance flexibility to engine manufacturers to smooth the transition to the Phase 2 requirements. The amendments contain two revisions intended to increase flexibility in the averaging, banking, and trading program as it applies to handheld engines. This direct final rule will be effective 12 March 2004 without further notice, unless EPA receives adverse comments by 11 February 2004. If EPA receives adverse comments, it will publish a timely withdrawal in the Federal Register informing the public that this rule will not take effect. For further information, contact Phil Carlson, EPA at (734) 214-4636, or e-mail: carlson.philip@epa.gov.

SUPREME COURT RULING – EPA CAN OVERRULE STATE PERMIT ACTION – The U.S. Supreme Court has issued a ruling confirming EPA's authority, under the Clean Air Act prevention of significant deterioration program, to overturn state permits for construction of new sources in attainment areas, when the state has not required best achievable control technology. The 5-4 decision (Alaska Department of Environmental Conservation v. Environmental Protection Agency) found the EPA did not go too far when it overruled a decision by Alaska regulators, who wanted to let the operators of a zinc and lead mine use cheaper antipollution technology for power generation ("low NOx" vice selective catalytic reduction for NOx control). The text of the decision is available at <http://www.supremecourtus.gov/opinions/03pdf/02-658.pdf>.

WATER INFORMATION:

FINAL GUIDANCE – WATERSHED-BASED NPDES PERMITTING - EPA has released a final document entitled "Watershed-Based National Pollutant Discharge Elimination System (NPDES) Permitting Implementation Guidance." The purpose of this guidance is to describe the concept of and the process for watershed-based permitting under the NPDES permit program. Watershed-based NPDES permitting is an approach to developing NPDES permits for multiple point sources located within a defined watershed. The guidance addresses issues related to program implementation, but it does not provide detailed technical information or address procedural and administrative actions related to permit issuance. The guidance is available at http://www.epa.gov/npdes/pubs/watershedpermitting_finalguidance.pdf.

NOTICE OF AVAILABILITY – UPDATED WATER QUALITY TRADING WEBSITE – EPA's Water Quality Trading website has been updated to include links from the states, frequently asked questions, and presentations from the National Trading Forum. The website is located at www.epa.gov/owow/watershed/trading.htm.



GENERAL INFORMATION

GAO REPORT – DOD CLEANUP OF CONTAMINATED SITES - The GAO has issued a report (GAO-01-147) that evaluates DoD's progress in identifying, assessing, and cleaning up military munitions sites and DoD's plans to clean up remaining sites in the future. Over 15 million acres in the United States may be contaminated with military munitions. As of September 2002, 2,307 potentially contaminated sites had been identified, but 1,387 sites were awaiting completion of initial evaluation. More sites continue to be identified and a complete inventory may take several more years to obtain. The report states that DoD does not yet have a complete and viable plan for cleaning up military munitions. GAO identified several problematic areas, including: 1) essential data which may take years to develop; 2) reliance on preliminary cost estimates that can change and loss of funds by the reallocation of those funds; and 3) a plan that does not contain goals or measures for site assessment and cleanup. GAO recommends that DoD: 1) establish deadlines for completing its site inventory and initial evaluations; 2) reassess the timetable proposed for completing its risk assessment reevaluations; 3) establish service-specific targets; and 4) work with Congress to develop budget proposals that will allow timely completion of cleanup activities. For further information, contact Anu Mittal, GAO at (202) 512-3841, or link: <http://www.gao.gov/highlights/d04147high.pdf>.

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UPCOMING CONFERENCES, SYMPOSIUMS, AND TRAINING ANNOUNCEMENTS

CLEANUP SITE CLOSURE: REGULATORY & ADMINISTRATIVE ACTIVITIES

17-18 February 2004 – Idaho Falls, Idaho

RTI is offering this course for personnel who are involved in the planning and implementation of closure and post-closure activities at hazardous and mixed waste management facilities or environmental restoration projects. The course will provide an overview of RCRA requirements for landfills, storage pads, and contaminated areas. It will also cover effective ways to plan for the integration of closure among units regulated under different programs. For more information or to register, call (803) 652-8830, or link <http://www.rti.org>.

APPLIED CLEAN AIR ACT

17-19 February 2004 – Richland, Washington

RTI is offering this course for environmental professionals who are responsible for implementation and monitoring of their facilities' compliance with the requirements of the Clean Air Act (CAA). The course provides detailed information on all facets of the CAA and the 1990 Amendments. It covers the fundamentals of air pollution such as abatement equipment, monitoring, and air dispersion models. For more information or to register, call (803) 652-8830, or link <http://www.rti.org>.

HAZARDOUS WASTE MANAGEMENT AND MANIFEST INITIAL COURSE

23-27 February 2004 – Huntsville, Alabama

The Army Corps of Engineers is offering this course to fulfill the initial training requirements of 49 CFR 172, Subpart H, as they relate to the management and transportation of hazardous waste and the use of a hazardous waste manifest. For more information or to register, call Joy Rodriguez at (256) 895-7448, or link: http://pdsc.usace.army.mil/CourseListDetails1.asp?Cntrl_Num=223.

HAZARDOUS WASTE MANAGEMENT AND MANIFEST REFRESHER COURSE

24-25 February 2004 – Huntsville, Alabama

The Army Corps of Engineers is offering this course to fulfill the recurrent requirements of 49 CFR 172, Subpart H, as they relate to the management and transportation of hazardous waste and the use of a hazardous waste manifest. For more information or to register, call Joy Rodriguez at (256) 895-7448, or link: http://pdsc.usace.army.mil/CourseListDetails1.asp?Cntrl_Num=429.

DESIGN STRATEGIES FOR LOW-ENERGY, SUSTAINABLE, SECURE BUILDINGS

24-25 February 2004 – Tucson, Arizona

The Department of Energy and the Federal Network for Sustainability are co-sponsoring this course, which is intended for designers, project managers, architects and engineers who work on federal agency projects. The course teaches the fundamentals of an integrated "whole building" approach to design that considers the structure and systems as a whole, and examines how they work best together to save energy and reduce environmental impact. For more information or to register, link: <http://fempcentral.com/workshops/registration.ws>.

INTRODUCTORY HEALTH RISK COMMUNICATION WORKSHOPS

24-26 February 2004 – Seattle, Washington

27- 9 April 2004 – Honolulu, Hawaii

The Army Center for Health Promotion and Preventative Medicine is presenting these workshops to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop will provide a basic understanding of the concepts, principles, and process of effective risk communication. Topics include: History and Philosophy of Risk Communication, Steps of the Risk Communication Process, Importance of Identifying, Understanding,

and Collaborating with Key Stakeholders, Pitfalls to Effective Risk Communication, and Basic Tools for Engaging the Media. For more information or to register link: <http://chppm-www.apgea.army.mil/risk>.

HISTORIC PRESERVATION LAW AND SECTION 106 COMPLIANCE

24-26 February 2004 – Jacksonville, Florida

20-22 April 2004 – San Antonio, Texas

20-22 July 2004 – Annapolis, Maryland

This course emphasizes legal compliance with the National Historic Preservation Act Section 106 process using actual case studies. It addresses legislation and the process to meet the requirements of the law. Course content includes: the stewardship role; use of historic properties; and communications with related oversight agencies. For more information or to register, link: <https://www.cecos.navy.mil>.

NATURAL RESOURCES COMPLIANCE

24-27 February 2004 – San Antonio, Texas

22-25 June 2004 – Aberdeen, Maryland

This course offers instruction in specific natural resources laws, regulations, policies, Executive Orders, DoD instructions, and other guidance, noting Service-specific requirements. It addresses stewardship, preservation and process; fish, game and wildlife management laws; protection of wetlands, waterways and other protected ecological areas; forest and land use management laws; and inter-service cooperation. This is an Inter-service Environmental Education Review Board (ISEERB approved) course. For more information or to register, link: <https://www.cecos.navy.mil>.

2ND ANNUAL ARMY ENVIRONMENTAL TRAINING SYMPOSIUM

1- 5 March 2004 – Kansas City, Missouri

The Army Engineer School is hosting this symposium to provide environmental training to installation (Active Army, National Guard, and Army Reserve) environmental personnel and installation stakeholders. Training topics include 1) satellite accumulation point operator; 2) hazardous materials handler; 3) HAZWOPER 8-hour refresher; 4) pollution prevention; and 5) spill prevention and response. For more information, call (573) 563-4124.

ENVIRONMENTAL NEGOTIATION WORKSHOP

9-11 March 2004 – San Diego, California

The Naval Civil Engineer Corps Officers School (CECOS) is offering this workshop tuition-free to all DoD personnel. The workshop provides instruction on the negotiating and communication skills necessary to establish productive relationships and achieve beneficial agreements with regulatory and public stakeholders. It stresses the human, organizational and public interaction aspects of building constructive relationships with stakeholders in order to obtain mutually beneficial decisions in environmental decision making. Case studies and role-playing provide an opportunity for every student to apply the information presented in class. For more information and registration, visit the CECOS web site: <https://www.cecos.navy.mil>.

UXO/COUNTERMINE FORUM

9-13 March 2004 – St. Louis, Missouri

This forum will address challenges in military sustainment through technical presentations, exhibits and networking events. It is intended to showcase cutting edge UXO and countermining technologies, ideas programs and partnerships for researchers, policy makers and program planners. For more information or to register, call (865) 379-7065, or e-mail: TheForum@ImpactStrategicEvents.com.

DSMOA NATIONAL WORKSHOP

15-18 March 2004 – Atlanta Georgia

DoD is sponsoring this workshop for all DSMOA participants and hopes to have at least one program manager and one financial manager from each participating state in attendance. The workshop will include mini training sessions, large and small group presentations, panel discussions, and breakout sessions. Current issues from DoD and states' perspectives will be shared and discussed. For more information or to register, link: <http://www.ttclients.com/dsmoa2004>.

INTRODUCTION TO CULTURAL RESOURCE MANAGEMENT LAWS AND REGULATIONS**16-18 March 2004 – New Orleans, Louisiana****17-19 August 2004 – Bangor, Maine**

This course provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. The curriculum is designed around a series of inter-related case studies discussed during the course. The course is taught in conjunction with the Advisory Council on Historic Preservation and is approved by the Inter-service Environmental Education Review Board (ISEERB). For more information or to register, link: <https://www.cecos.navy.mil>.

NDIA 30TH ENVIRONMENTAL AND ENERGY SYMPOSIUM**5-8 April 2004 – San Diego, California**

The National Defense Industrial Association (NDIA) is presenting this symposium to provide a national forum for the exchange of technical information, government policy, regulations, programs, and law; and new ideas on environmental and energy issues, performance tracking, and areas of concern. The theme of the symposium is: "DoD Transformation Leading Towards Results-Based Environmental and Energy Programs." This event is intended for industry leaders, practitioners, environmental and energy officials, operators, and other personnel within government agencies. For more information, contact Naomi Mundy at (703) 247-9476, Or link: <http://www.ndia.org>.

NATIONAL ENVIRONMENTAL ASSISTANCE SUMMIT**19-22 April 2004 – Baltimore, Maryland**

EPA has announced the merger of the National Pollution Prevention Roundtable Spring Conference and the National Compliance Assistance Providers Forum. This summit, titled "One Environment/One Conference," will cover advances and innovations in environmental issues and solutions, pollution prevention, and compliance assistance programs, methods, technologies and environmental policies. For more information, call (202) 299-9701, or link: <http://www.p2.org/summit2004/>.

ENVIRONMENTAL LAWS AND REGULATIONS**27-29 April 2004 – Richland, Washington**

RTI is offering this course for personnel new to the field of waste management environmental compliance or environmental restoration, as well as persons who need an update on recent changes in environmental laws and regulations. The course will address high level waste storage in tanks and treatment for disposal; low level waste disposal; mixed waste treatment, storage and disposal; environmental compliance associated with operational or restart issues; decommissioning activities; and materials transportation. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

12TH ANNUAL GLOBAL DEMILITARIZATION SYMPOSIUM & EXHIBITION**17-20 May 2004- Dallas, Texas**

The Joint Ordnance Commanders Group and NDIA are presenting this symposium to support DoD in numerous efforts directed at reducing the stockpile of excess and obsolete strategic, tactical, and conventional munitions. The agenda will focus on global challenges and successes experienced in the disposition of energetic materials. Topics of interest will include ongoing disposal, recycling and reuse programs, research and development efforts, transitioning technologies, and the latest policy issues. For more information or to register, link: www.ndia.org.

ACCELERATING SITE CLOSEOUT**15-17 June 2004 – Dallas, Texas**

The Federal Remediation Technologies Roundtable is sponsoring this conference with the theme: "Improving Performance and Reducing Costs Through Optimization." The goals of the conference are to: 1) outline long-term remediation liabilities and optimization needs and opportunities; 2) disseminate existing and emerging optimization strategies, technologies, tools, and science; 3) communicate lessons learned and identify technical, institutional, contractual, and other enhancements and encumbrances to achieving positive optimization results; and 4) present remedial optimization within the context of site-wide and multi-site management programs. For more information or to register, link: <http://www.clu-in.org/siteopt/siteopt.htm>.

2004 COMMUNITY INVOLVEMENT CONFERENCE**15-18 June 2004 – Denver, Colorado**

EPA is sponsoring this 7th annual conference to share lessons learned and to establish and monitor its standards for community involvement. The conference will cover the entire scope of public participation, community involvement, partnership building, and outreach and education related to all aspects of environmental protection. For more information, contact Lisa Gebler at (301) 589-5318, ext. 23, or link: <http://www.epancic.org/2004>.

McCOY RCRA SEMINAR**21-25 June – Portland, Oregon**

McCoy and Associates is offering this RCRA training with five sessions at each seminar: 1) RCRA Fundamentals; 2) Critical Generator Issues; 3) Advanced RCRA Topics I; 4) Advanced RCRA Topics II and Land Disposal Restrictions I; and 5) Land Disposal Restrictions II and RCRA Rules Under Development. The seminar is designed for hazardous waste generators, environmental managers, compliance specialists, environmental consultants, and environmental attorneys. For more information or to register, call (303) 526-2674, or link: <http://www.mccoyseminars.com>.

9TH ANNUAL JOINT SERVICES ENVIRONMENTAL MANAGEMENT CONFERENCE**16-19 August 2004 – San Antonio, Texas**

The National Defense Industrial Association is presenting this conference and exhibition ((formerly the Joint Services Pollution Prevention and Hazardous Waste Management Conference and Exhibition). The theme of the 2004 conference is "Sustaining the Force: Optimizing Readiness Through the Prevention of Pollution." For more information, contact Naomi Mundy at (703) 247-9476, Or link: <http://www.ndia.org>.

13TH ANNUAL ITAM WORKSHOP**16-20 August 2004 – San Francisco, California**

The Army is calling for abstracts for the Integrated Training Area Management (ITAM) workshop. Suggested topics are: land rehabilitation and maintenance, land condition trend analysis, sustainable range awareness, training requirements integration, and geographical information system. Abstracts are due by 31 March. For more information, link: <http://www.army-itam.com/public/workshop/13th/callforpapers.jsp>.

ADVANCED RISK COMMUNICATION WORKSHOP**23-26 August 2004 – San Antonio, Texas**

The Army Center for Health Promotion and Preventative Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop builds on the "Introductory Health Risk Communication Workshop" listed above (a pre-requisite for this course) and will provide participants with hands-on experience in applying the steps of the risk communication process, on-camera media practice, and seminar-style discussions of "hot" issues impacting military health and readiness. There is no registration fee. For more information or to register, link: <http://chppm-www.apgea.army.mil/risk>.

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STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



ALASKA

WATER INFORMATION:

DEPARTMENTAL DISCUSSION – ASSUMPTION OF NPDES PROGRAM - Pursuant to legislation, the Alaska Department of Environmental Conservation (DEC) is investigating assuming the National Pollutant Discharge Elimination System (NPDES) water discharge permitting program from EPA. DEC has prepared a final report for the legislature to consider in its debate on whether to assume primacy for Alaska's NPDES program. The draft report includes: (1) an overview of the federal NPDES Program and NPDES permitting in Alaska today; (2) proposed statutory and regulatory changes needed for State primacy; (3) projected costs to transition to primacy and to implement a State run program; and (4) a timeline to achieve primacy. For more information, contact Sharon Morgan at (907) 465-5530, or link: http://www.state.ak.us/dec/dawq/waterpermits/npdes/npdes_primacy_report_final.pdf.

DEPARTMENTAL DISCUSSION – 2003 TMDLs – The Alaska DEC is discussing proposing total maximum daily loads (TMDLs) for several water bodies: (1) Fish Creek; (2) Little Rabbit Creek; (3) Furrow Creek; (4) Little Survival Creek; (5) Chester Creek; (6) Little Cambell Creek; and (7) Ship Creek. The criteria pollutants for these TMDLs have not been determined yet. DEC anticipates proposing these TMDLs shortly and adopting them by mid-2004. For more information, contact Drew Grant at (907) 465-5304.

Legislative Developments:

The 2004 legislative session began 12 January and will end 11 May. For current information on the legislative session, link <http://www.legis.state.ak.us/>.

ALASKA SB 9 – CLEANUP - Creates regulations relating to the evaluation and cleanup of sites where certain controlled substances may have been manufactured or stored. Effective immediately. Carried over to 2004 session. The sponsor is Senator Gretchen Guess (R).

ALASKA SB 116 – AIR EMISSIONS - States that, except for the owner and operator of a stationary source exempted under law, the owner and operator of a stationary source is required to obtain an operating permit from the Department of Environmental Conservation if the stationary source: (1) emits or has the potential to emit 100 TPY or more of a regulated air pollutant; (2) emits or has the potential to emit 10 TPY or more of a hazardous air pollutant or 25 TPY or more, in the aggregate, of two or more hazardous air pollutants; (3) contains an emission unit subject to federal new source performance standards or national emission standards for hazardous air pollutants. Carried over to 2004 session. The sponsor is the House Rules Committee.



IDAHO

WATER INFORMATION:

TEMPORARY REGULATION –WATER QUALITY STANDARDS – The Idaho Department of Environmental Quality (DEQ) has adopted temporary amendments and will be proposing permanent amendments to its water quality standards. These amendments will make the State's water quality standards consistent with the Snake River Hell's Canyon TMDL for temperature and regional temperature, i.e., the salmonid spawning and incubation temperature criteria to 13 degrees Celsius (maximum weekly maximum temperature). The temporary amendments were effective 14 November 2003. For more information, contact Donald Essing at (208) 373-0119.

PROPOSED REGULATION - TMDLs – The Idaho DEQ has prepared the following TMDLs which have been approved by EPA: (1) Upper Owyhee River; (2) South Fork Coeur d'Alene River; (3) Upper Salmon River; (4) Pahsimeroi River; (5) South Fork Clearwater River; and (6) Big Wood River. DEQ gave final notice (approval) for the South Fork Clearwater River TMDL on 7 January 2004. This final TMDL can be appealed if a "contested case" is made to the board by 11 February. For more information, contact Marti Bridges at (208) 373-0382, or link: <http://www2.state.id.us/deq/water/tmdls/tmdlstatus.htm>.

Legislative Developments

The 2004 legislative session began 12 January and will end 4 April. For current information on the 2003 session, link <http://www2.state.id.us/legislat/>.



OREGON

Regulatory Developments and Other State Information

No significant regulatory activity to report.

Legislative Developments

The 2003 legislative session began 13 January. The Senate adjourned 26 August and the House adjourned 27 August. A summary of the significant environmental bill that were enacted and signed was included in the October 2003 Review. For more information on the legislative session, link <http://www.leg.state.or.us>. There will be no regular legislative session in 2004.



WASHINGTON

Regulatory Developments and Other State Information

FINAL REGULATION – INVASIVE AQUATIC SPECIES – The Washington Department of Fish and Wildlife has adopted amendments to designate species as invasive aquatic species and designate infested waters to reduce the spread of invasive aquatic species. For more information, contact Scott Smith at (360) 902-2724. The final list of species and waters is located on the following link: <http://slc.leg.wa.gov/wsr/2004/01/04-01-096.htm>.

FINAL REGULATION – NOXIOUS WEED LIST AND PENALTIES – The Washington Department of Agriculture has completed its annual amendment of its schedule of penalties for violations of state noxious weed regulations and its list of noxious weeds. The amendments were effective 22 December 2003. For more information, contact Steve McGonigal at (360) 902-2053.

FINAL REGULATION – AMENDMENTS TO BOILER RULES – The Washington Department of Labor has adopted amendments to its boiler rules. These amendments: (1) clarify the rules so that they are easier to use and understand; (2) incorporate necessary policy and practice into rule; (3) include provisions from nationally recognized consensus codes adopted by the Board of Boiler Rules; (4) eliminate unnecessary definitions; (5) reorganize the rules so they are easier to locate and in a more applicable location; (6) make changes to ensure consistency with statute; and (7) allow for more flexibility via the use of alternate means to test the operation of hot water heating boiler low water fuel cutoff(s) without resorting to draining the entire system. The amendments were effective 26 January 2004. For more information, contact Carmen Moore at (360) 902-4206, or link: <http://slc.leg.wa.gov/wsr/2004/01/04-01-194.htm>.

AIR INFORMATION:

FINAL REGULATION – SIP AMENDMENTS FOR LOCAL AGENCIES – The Washington Department of Ecology (DOE) has adopted amendments to its State Implementation Plan (SIP). The amendments make local agency laws consistent with State and federal requirements. The local air quality agencies in Washington affected by the amendments are: (1) Northwest Air Pollution Authority, (2) Olympic Regional Clean Air Agency, (3) Southwest Clean Air Agency, and (4) Yakima Regional Clean Air Authority. The amendments were effective 18 December 2003. For more information, contact Brett Rude at (360) 407-6847, or link: <http://slc.leg.wa.gov/wsr/2003/22/03-22-076.htm>.

WASTE INFORMATION:

FINAL REGULATION – FEDERAL LANGUAGE FOR SOLID WASTE INCINERATORS – The Washington DOE has adopted amendments to its solid waste incinerator facility regulations. The amendments: (1) make 40 C.F.R. 60, subpart Eb, "Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification or Reconstruction is Commenced After June 19, 1996," an alternative means of compliance; (2) remove redundant sections; (3) include editorial changes; and (4) remove "creosote treated wood" from the definition of "solid waste." The amendments were effective 22 January 2004. For more information, contact Steve Cross at (360) 407-6875, or link: <http://slc.leg.wa.gov/wsr/2003/13/03-13-077.htm>.

WATER INFORMATION:

FINAL GUIDELINES – SHORELINE MASTER PROGRAM – The Washington DOE has adopted new Shoreline Master Program Guidelines. The guidelines provide: (1) updated standards for public and private construction; and (2) location of structures, uses and activities in shoreline areas, including dredging, drilling, dumping, filling, removal of minerals, removal/restoration of vegetation, bulkheading and related shoreline stabilization devices, driving of pilings, placing of obstructions or any project which interferes with the normal public use of the surface waters of the State. The guidelines apply to water areas, associated wetlands and adjacent uplands that are subject to the Shoreline Management Act. The guidelines were effective 17 January 2004. For more information, contact Peter Skowlund at (360) 407-6522, or link: <http://slc.leg.wa.gov/wsr/2004/01/04-01-117.htm>.

DEPARTMENTAL DISCUSSION – INSTREAM RESOURCE PROTECTION FOR COLUMBIA RIVER – The Washington DOE is drafting amendments to its instream resource protection program for the mainstem Columbia River. The amendments will establish a new water management program for the Columbia River that defines how DOE will carry out its dual obligations to allocate water and preserve a healthy environment. DOE is seeking scientific advice about the relative effects of off-stream uses in comparison to existing hydropower and fisheries uses of the river. The question of scale is important because off-stream water needs may not insignificantly affect other uses of the river. DOE anticipates holding workshops before proposing the program and is inviting interested parties to participate in drafting the proposed rule. For more information, contact Gerry O'Keefe at (360) 407-6640, or link: <http://www.ecy.wa.gov/programs/wr/cr/crhome.html>

Legislative Developments

The 2004 legislative session began 12 January and will end 11 March. For current information on the legislative session, link <http://www.leg.wa.gov/wsladm>.

WASHINGTON HB 2308 – SOLID WASTE - Requires the Department of Ecology to develop specific criteria for the types of solid wastes that are allowed to be received by inert waste landfills. Prefiled 23 December 2003. Referred to Fisheries, Ecology, and Parks Committee 12 January 2004. The sponsor is Representative Mark Schoesler (R).

WASHINGTON HB 2478 – UNDERGROUND STORAGE TANKS - Revises provisions regulating underground petroleum storage tanks. Establishes a temporary program to provide pollution liability reinsurance at a price that will encourage a private insurance company or risk retention group to sell pollution liability insurance to owners and operators of underground petroleum storage tanks. Introduced and referred to House Financial Institutions and Insurance Committee 15 January 2004. The sponsor is Representative Jeff Cooper (D).

WASHINGTON HB 2487 – ELECTRONIC WASTE - Prohibits any person from knowingly disposing of covered electronic products except by delivery to a person collecting covered electronic products. Prohibits any owner or operator of a solid waste landfill, energy recovery facility, or incinerator to knowingly accept hazardous electronic material for disposal in the landfill, energy recovery facility, or incinerator. Declares that all covered electronic products are assumed hazardous electronic material unless they are proven not to contain concentrations of toxic materials of the toxicity. Effective 1 January 2006. The sponsor is Representative Jeff Cooper (D).

WASHINGTON SB 6139 – UNDERGROUND STORAGE TANKS - Establishes a program to provide pollution liability reinsurance at a price that will encourage a private insurance company or risk retention group to sell pollution liability insurance to owners and operators of underground petroleum storage tanks. Prefiled 9 January 2004. Referred to Natural Resources, Energy, and Water Committee 12 January. The sponsor is Senator Bob Morton (R).

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